

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEREMIAH D. WALKER WASHINGTON, JR.,

Plaintiffs,

-against-

JOHN MORLEY; DAVID DINELLO; ADBUL
QAYYAM; MARIO MALVAROSA; NORIEL
DeGUZMAN; DR. SUSAN MUELLER;
ALEXANDER BERGER; RAZIA FERDOUS;
PATRICK BIGAUD; MARY JO HUGHES; JON
MILLER; ANJUM HAQUE; LARA DARLING;
MIKHAIL GUSMAN; KAUSAR CHAUDHRY;
RICHARD D'AMICO,

Defendants.

21-CV-7159 (KMK)

ORDER OF SERVICE

KENNETH M. KARAS, United States District Judge:

Plaintiff, who is currently incarcerated at Woodbourne Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983 concerning events that occurred at Downstate Correctional Facility, which is now closed. By order dated September 23, 2021, Chief Judge Laura T. Swain granted Plaintiff's request to proceed *in forma pauperis* ("IFP").¹ On November 8, 2021, Chief Judge Swain granted Plaintiff leave to file an amended complaint (ECF 5), and on January 11, 2022, the court's Clerk's Office received the amended pleading (ECF 7), in which Plaintiff named several John Doe Defendants. On February 17, 2022, the action was reassigned to my docket.

On February 18, 2022, the Court issued an order instructing the Clerk of Court to issue summonses as to Defendants John Morley and Mikhail Gusman and to deliver the necessary

¹ Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed *in forma pauperis*. See 28 U.S.C. § 1915(b)(1).

documents for service by the U.S. Marshals Service. (ECF 9.) The Court also directed the New York State Attorney General to identify the full name of one of the defendants, Dr. David Dinello. Finally, the Court directed Plaintiff to provide the Attorney General with more detailed, descriptive information for the remaining Doe Defendants to assist the Attorney General in identifying these Defendants.

On July 25, 2022, Plaintiff filed a second amended complaint (ECF 22), and on August 1, 2022, the Attorney General provided the addresses where some of the newly named Defendants may be served. The second amended complaint included addresses for the remaining Defendants.

Accordingly, as set forth below, the Court directs service on Defendants (1) John Morley, (2) David Dinello, (3) Adbul Qayyam, (4) Mario Malvarosa, (5) Noriel Deguzman, (6) Dr. Susan Mueller, (7) Alexander Berger, (8) Razia Ferdous, (9) Patrick Bigaud, (10) Mary Jo Hughes, (11) Jon Miller, (12) Anjum Haque, (13) Lara Darling, (14) Mikhail Gusman, (15) Kausar Chaudhry, and (16) Richard D'Amico.

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendants through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendants. The Clerk of Court is further instructed to issue summonses

and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Clerk of Court is instructed to issue summonses for Defendants, complete the USM-285 forms with the addresses for Defendants, and deliver all documents necessary to effect service to the U.S. Marshals Service.

SO ORDERED.

Dated: August 22, 2022
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', with a horizontal line drawn underneath it.

KENNETH M. KARAS
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. John Morley, M.D. Chief Medical Officer
1220 Washington Avenue, Bldg. 9
Albany, NY 12226
2. Dr. David Dinello
Auburn Correctional Facility
135 State St.
Auburn, NY 13024
3. Dr. Adbul Qayyam
Green Haven Correctional Facility
594 NY-216
Stormville, NY 12582
4. Dr. Mario Malvarosa
Fishkill Correctional Facility
18 Strack Dr.
Beacon, NY 12508
5. Noriel DeGuzman
Ulster Correctional Facility
750 Berme Rd.,
Napanoch, NY 12458
6. Dr. Susan Mueller
Fishkill Correctional Facility
18 Strack Dr.
Beacon, NY 12508
7. Alexander Berger
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562
8. Razia Ferdous
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562
9. Patrick Bigaud
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562

10. Mary Jo Hughes
Coxsackie Correctional Facility
P.O. Box 200
Coxsackie, NY 12051-0200
11. Jon Miller
Coxsackie Correctional Facility
P.O. Box 200
Coxsackie, NY 12051-0200
12. Anjum Haque
Wende Correctional Facility
3040 Wende Road
Alden, NY 14004
13. Lara Darling
Wende Correctional Facility
3040 Wende Road
Alden, NY 14004
14. Dr. Mikhail Gusman
Sullivan Correctional Facility
325 Riverside Drive, P.O. Box 116
Fallsburg, NY 12733
15. Kausar Chaudhry
Clinton Correctional Facility
P.O. Box 2000
Dannemora, NY 12929
16. Richard D'Amico
Clinton Correctional Facility
P.O. Box 2000
Dannemora, NY 12929